

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 27, 2000 LB 175

on the side of those security deposits, and nothing gets done about them, instead we are going to reward the part of the process that gets representation, don't want to do it. I'm going to happy to be...vote against the bracket. I am going to vote against the bill, and I'm going to hope that landlord-tenant law can move forward cooperatively at some point, but this ain't it.

SENATOR SCHIMEK: Thank you, Senator Landis. Senator Quandahl, you are recognized to speak.

SENATOR QUANDAHL: Thank you, Senator Schimek and members of the body. I guess I would...I rise to oppose the bracket motion and I do for a couple of different reasons. And one of the things that I think that I should probably explain is, (cough) excuse me, the amendment that I have that's before the body. It simply calls for a change where a trial on the restitution of premise would occur three to seven days after issuance and service of the summons. And so what I should probably do is back up and explain some of the practicalities, put a face on what actually happens when a restitution or an eviction action is actually filed in Douglas County, in Lancaster County, or in any county across the state. Now what happens is, an eviction action is a little bit different than a lot of actions in that there is two different parts to it. It's a bifurcated trial. And the first part of the trial is on restitution of the premises; who has the right to remain in the premises. The second part of the action is the money damages portion; whoever is entitled to the premises, that's already decided, but then later on, are there any money damages? Is the landlord entitled to back rent, money for damages to the premises, or is the tenant actually entitled to get his damage deposit back or other sort of monetary damages from the landlord? And so I think there is a fundamental, I guess, misunderstanding of what the status of the law or how the real life is, is of the Uniform Residential Landlord-Tenant Act. And I'm here to tell you that actually the amendment that's proposed actually has some benefit to the tenant. It is not all one-sided. It is not the big evil landlords coming down and picking on the tenants. It actually has some benefit to the tenants that gives them additional rights that aren't present in the law right now. And let me explain that. When I say it is a bifurcated trial, the first trial is just going to be on the,